

2 UNITED STATES DISTRICT COURT

3 EASTERN DISTRICT OF NEW YORK

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5 TINA BRADWAY, Individually and
as Administratrix of the Estate
of Tony Bradway,

6 Plaintiff,

7 -against-

Index No.
CV-09 3177

8 THE TOWN OF SOUTHAMPTON,
9 LINDA A. KABOT, and JOHN
10 DOES 1-10 Consisting of
Individuals to Be Determined,

11 Defendants.

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13 DEPOSITION of PO STEVEN S. FRANKENBACH,
14 taken by Plaintiff, held at the offices of Hampton
15 Bays Police Station, 110 Old Riverhead Road,
16 Hampton Bays, New York, on Wednesday, May 19,
17 2010, commencing at 10:18 a.m., before Jean Wilm,
18 a Registered Professional Reporter, Certified
19 LiveNote Reporter and Notary Public within and for
20 the State of New York.

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2 A The owner let me in.

3 Q And that is the name of the person
4 you don't recall?

5 A No, Bo I think his name is.

6 Q Kenneth Bo?

7 A Yes, that's it.

8 Q So Mr. Bo let you in the house?

9 A Well, he did, and there was also
10 another officer there.

11 Q Who was that other officer?

12 A I don't remember the name of him.
13 It was so long ago, I don't remember which
14 officer it was that actually opened the door --
15 that was also there doing the same thing I was
16 doing.

17 Q So you weren't the first guy
18 there?

19 A No, sir.

20 Q And did you actually replace the
21 officer who was there?

22 A Yes, sir.

23 Q So what led to the arrest of
24 Tony Bradway?

25 A While I was there, the location I

2 was at, there was two subjects lying on the
3 couch sleeping, a female, a white Caucasian
4 female and a black male.

5 Like I said, where I was standing,
6 it was just the location, I could see them, I
7 could see the door, it was the dining room. You
8 know, it was just -- I was there and when I'm
9 looking at her, I realized she was holding onto
10 a crack pipe.

11 Q The door to the bedroom that you
12 were securing, that was on the first floor?

13 A Yes, sir.

14 Q And the two subjects were sitting
15 on a couch in the living room also on the first
16 floor?

17 A Yes, sir.

18 Q You had a view of the bedroom door
19 and the living room and the dining area?

20 A Yes, at that location, I could see
21 everything.

22 Q Is it a two-story house?

23 A Yes, sir.

24 Q Did you ever go upstairs?

25 A No, sir.

2 Q While you were at the house on the
3 date in June 2008, did any of the other officers
4 ever state that the male subject was intoxicated
5 or otherwise under the influence of some
6 narcotic?

7 A I never heard it.

8 Q Did you ever actually speak to the
9 male subject?

10 A Yes, sir.

11 Q At what point did you speak with
12 him?

13 A Well, after, like, everything was
14 said and done, I spoke to him. Also when I
15 heard the undercover guys talk to him. How he,
16 you know -- how he felt; did he feel okay; did
17 he want to go to the hospital.

18 And I remember him being very
19 adamant that he felt fine and he did not want to
20 go to the hospital.

21 Q When you spoke to him, was this
22 before or after he spit up whatever it was?

23 A Afterwards.

24 Q While you were at the house on the
25 day in June 2008, did you have any conversations